

REMARKS/ARGUMENTS

Claims 1 through 21 remain pending in this application. Figures 1 and 3 have been corrected.

Summary of the Drawing Objections

The drawings are objected to under 37 C.F.R. § 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically claims 6, 7, 14 and 15, recite the limitation of “an external camera attached to the portable communication device.”

Amendments To The Drawings

The attached replacement sheets include changes to FIGs. 1 & 3. In FIG. 1, item 114 has been corrected to “116.” Likewise, item 116 was corrected to item “114.” This correction was made to correspond with the Applicant’s published specification, U.S. Patent Application Publication No. 2005/0088513, page 1, ¶ 0008 (published Apr. 28, 2005) which describes “a second signal 116 to the local base station 112.” While the base station is described as “transmit[ting] a first base signal 114 to the second cellular telephone 104.”

Regarding the objections, an external camera 107 has been added to FIG. 1. Similarly, an external camera 307 has been added to FIG. 3. This accords with the Specification, page 1, ¶ 0009 which describes a camera as being “built-in or externally attached to the wireless portable communication device.”

Reconsideration and withdrawal of the 37 C.F.R. § 1.83(a) objection to the drawings is respectfully requested in light of the amendments. Replacement Sheets for sheet 1/4 & sheet 3/4 are attached.

Summary of the Claim Rejections

Claims 1 through 21 are rejected under 35 U.S.C. § 112 for lack of enablement regarding the claim 1, 9 and 17 limitations of “detecting an incoming call,” and “determining whether the incoming call is a video telephony call.”

Claims 8 and 16 are rejected under 35 U.S.C. § 112 for lack of enablement regarding the limitations of “determining whether the incoming call is a multimedia message service call,” and “playing a multimedia message included in the incoming call upon completing the incoming call.”

Claims 1, 3 through 5, 9, 11 through 13, 17, 18 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application Publication No. EP 1 026 895 A1, App. No. 00101888.6 (published Aug. 9, 2000) by Matsumura Masafumi [hereinafter “*Matsumura*”] in view of Japanese Patent Application Publication No. JP 20000124993 A, App. No. JP10292079 (published Apr. 28, 2000) by Kosaka [hereinafter “*Kosaka*”].

Claims 2, 10 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsumura* in view of *Kosaka* as applied to claims 1 and 17 above, and further in view of Japanese Patent Application Publication No. JP 02002044704 A, App. No. JP2000226717 (published Feb. 8, 2002) by Takeuchi [hereinafter “*Takeuchi*”].

Claims 6, 7, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsumura* in view of *Kosaka* as applied to claims 1 and 9, and further in view of European Patent Application Publication No. EP 1 111 921 A2, App. No. 00660239.5 (published Jun. 27, 2001) by Sami Inkinen, et al. [hereinafter “*Inkinen*”].

Claims 8 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsumura* in view of *Kosaka* as applied to claims 1 and 9, and further in view of Japanese

Patent Application Publication No. JP 406284220 A, App. No. JP05089245 (published Oct. 7, 1994) by Yonemitsu [hereinafter “*Yonemitsu*”].

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsumura* in view of *Kosaka* as applied to claim 20, and further in view of U.S. Patent Application Publication No. 2004/0240434, App. No. 10/492,500 (published Dec. 2, 2004) by Sato, et al. [hereinafter “*Sato*”].

Regarding the 35 U.S.C. § 112 enablement rejection of independent claims 1, 9 and 17

Applicant’s claims 1, 9 and 17 are directed toward wireless portable communications devices that *already* would have “a video telephony communication capability for responding to an incoming call” as recited by the preamble of Applicant’s claim 1. In the “Background of the Invention” section of Applicant’s published specification, U.S. Patent Application Publication No. 2005/0088513, ¶ 0002 (published Apr. 28, 2005) [hereinafter “*Spec.*”], the Applicant described that “devices are generally capable of transmitting, receiving and communicating audio, text, and video messages.” Further, the Applicant noted that “a portable communication device such as a cellular telephone having video capability can receive a video telephony call, and display the video portion and play the audio portion” etc. See *Spec.*, page 1, ¶ 0002.

Therefore, in light of Applicant’s *Spec.*, one of ordinary skill would understand how “a wireless portable communication device having a video telephony communication capability for responding to an incoming call” as recited by the preamble of claim 1, would “detect[] the incoming call” and determin[e] whether the incoming call is a video telephony call.”

Thus the 35 U.S.C. § 112 requirements for the particular claim 1 features of concern are satisfied by the description of Applicant’s *Spec.*

Regarding the 35 U.S.C. § 112 enablement rejection of dependent claims 8 and 16

Likewise, a video telephony call as described above may be a multimedia message service (MMS) call. However, Applicant has provided further details in that detection of the MMS call may involve “setting video resolution, video speech . . . and audio quality . . . and loudness.” See Spec., page 1, ¶ 0009. Therefore, one of ordinary skill in the art would understand how to make and use the invention regarding MMS calls. Thus the 35 U.S.C. § 112 requirements for the particular claim 8 and 16 features of concern are satisfied by the description of Applicant’s Spec.

Applicant therefore respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112 rejection of claims 1 through 21.

Claims 1, 3 through 5, 9, 11 through 13, 17, 18 and 20

The Examiner has argued the *Matsumura* discloses the features of claim 1, including *inter alia* “a method in a wireless portable communication device having a video telephony communication capability . . .” and “configuring the wireless portable communication device for video telephony communication . . .” and “processing the incoming call as a video telephony call.” See USPTO Office Action, page 4 (mailed Apr. 17, 2006) [hereinafter “Apr. 17th OA”].

Applicant respectfully disagrees in light of the disclosure of *Matsumura*. *Matsumura* discloses a system wherein a cellular phone is connected to a separate expansion unit. See *Matsumura*, FIG. 1; Abstract. “The TV cellular phone system comprises a telephone set unit 10 serving as a cellular phone and an expansion unit which is provided independently of the cellular phone, is connected to the telephone set unit 10 when the transfer of video data and/or audio data

is needed and includes an image output section 20, an image input section 30, a sound output section 40, and a sound input section 50.” *Matsumura*, col. 5, ¶ 0015.

Therefore, “processing the incoming call as a video telephony call” in *Matsumura* is not performed by “a wireless portable communication device having a video telephony communication capability” but rather is performed by a combination of two independent devices.

Applicant agrees with Examiner that *Matsumura* does not teach “receiving a single user action signal, video telephony communication enabler configured to accept an enabler input signal, enabler input signal is generated upon a single action performed upon wireless portable communication device and it enables process the incoming a call as a video telephony signal.” See Apr. 17th OA, page 4.

However, Applicant respectfully disagrees that *Kosaka* discloses the single user action feature as argued by Examiner. See Apr. 17th OA, page 5. *Kosaka* discloses two user actions, specifically “communication speed is set low by depressing a start key of a key operation,” and “[n]ext, when an image key of the key operation part 10 is depressed and image communication is desired by the user . . .” See *Kosaka*, Abstract.

Therefore, neither *Matsumura* or *Kosaka*, individually or in combination, disclose all the limitations of Applicant’s claim 1 and thus a prima facie case has not been established under 35 U.S.C. § 103(a). Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of independent claims 1, 9 and 17 is respectfully requested.

Claims 3 through 5 depend from, and include all limitations of, independent claim 1. Claims 11 through 13 depend from, and include all limitations of, independent claim 9. Claims 18 and 20 depend from, and include all limitations of, independent claim 17. Therefore, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of independent claims 3

through 5, 11 through 13, 18 and 20 is respectfully requested based upon the reasons provided above with respect to independent claims 1, 9 and 17.

Claims 2, 10 and 19

Claim 2 depends from, and include all limitations of, independent claim 1. Claim 10 depends from, and include all limitations of, independent claim 9. Claim 19 depends from, and include all limitations of, independent claim 17. Therefore, neither *Matsumura* or *Kosaka*, individually or in combination, disclose all the limitations of claims 2, 10 and 19 as discussed above.

With respect to *Takeuchi*, *Takeuchi* merely discloses that a switch may be depressed to “call to a number stored in an internal telephone number storage 15, or to issue an alarm by using the internal sound producing apparatuses.” See *Takeuchi*, Abstract. Thus, *Takeuchi* does not disclose a “single user action signal [that] effectuates both completing the incoming call and processing the incoming call as a video telephony call.”

Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2, 10 and 19 is respectfully requested as a prima facie case has not been established by any of the cited references whether individually or in combination.

Claims 6, 7, 14 and 15

Applicant agrees with Examiner that *Inkinen* discloses an external camera attached to the wireless portable communication device. However, *Inkinen* does not disclose any of the features which are not disclosed by *Matsumura* or *Kosaka*, individually or in combination, as discussed above. Therefore, all features of claims 6, 7, 14 and 15 are not disclosed in *Matsumura*, *Kosaka* or *Inkinen*, whether individually or in combination.

Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 6, 7, 14 and 15 is respectfully requested.

Claims 8 and 16

Similarly *Yonemitsu* does not disclose any claimed features not disclosed by *Matsumura* or *Kosaka* thus a prima facie case for claims 8 and 16 has not been established. Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 8 and 16 is respectfully requested.

Claim 21

Sato does not disclose any claimed features not disclosed by *Matsumura* or *Kosaka* thus a prima facie case for claim 21 has not been established and reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 21 is respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant(s) has/have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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Attachments